

**ZONING ADMINISTRATOR**  
**NOTICE OF DECISION**

**Date:** September 30, 2014  
**Applicant:** Geoff Samuels  
**Case No.:** PCC-14-036  
**Address:** 2381 Boswell Road, Chula Vista, Ca.  
**A.P.N.:** 595-231-22  
**Project Planner:** Jeff Steichen, Associate Planner

Notice is hereby given that on September 30, 2014, the Zoning Administrator considered Conditional Use Permit Application PCC-14-036 filed by Geoff Samuels ("Applicant"), within an existing industrial building located at 2381 Boswell Road, Chula Vista, CA ("Project Site"). The Property is owned by Boswell Road Holdings, LLC ("Property Owner"). The proposed Project is more specifically described below:

The Applicant requests approval to allow the establishment of a health and wellness educational facility providing instruction in fitness, nutrition, strength and conditioning within a 2,400 square-foot area of an existing industrial building occupied by Maxim Athletics. The applicant will use this location to provide classes in a variety of topics related to fitness and wellness. The small class sizes (10 participants maximum) will allow for more one-on-one interaction between the facilitator and participants

The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facility) of the State CEQA Guidelines. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19 14 030.A of the CVMC, has been able to make the Conditional Use Permit findings as required by CVMC Section 19 14.080 as follows:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The approval of this project will enable the applicant to use the project site to provide a health and wellness facility which would provide a convenient and desirable use for citizens residing in Chula Vista and specifically in the Eastlake and Rolling Hills Ranch Communities. The proposed instruction provides an additional way to promote the fitness objectives of Maxim Athletics and will provide an opportunity for the public to improve their overall health and well-being.

- 2. That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The operation of the proposed 2,400 sq. ft. health and wellness educational facility has been designed and conditioned to avoid potential health, safety and noise impacts to nearby

residents and businesses. Adequate parking will be available in that ten (10) additional spaces beyond that required for the existing warehouse use (Maxim Athletics) are available within the existing on-site parking lot. Class sizes will be limited to a maximum of ten (10) participants. There will be a maximum of one (1) employee/facilitator on-site at any one time. The granting of the conditional use permit enables the City to protect the character and quality of life for the area residents in the least restrictive manner by requiring conditions of approval which ensure the proposed use will not have any adverse effects on traffic, circulation or noise within the surrounding area.

**3. That the proposed use will comply with the regulations and conditions specified in the code for such use.**

The proposed health and wellness facility is located within the Eastlake Business Center II SPA Plan, in an area zoned BC-2 (Business Center), and is considered as an educational facility in that zone, and thus requires approval of a Conditional Use Permit by the Zoning Administrator. The granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Eastlake Business Center II Sectional Planning Area (SPA) Plan, City of Chula Vista Municipal Code (CVMC), and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. The project will comply with all regulations and conditions specified in the CVMC for uses established under PCC-14-036.

**4. That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.**

This Conditional Use Permit is in compliance with the General Plan, Zoning Ordinance, and land use designations listed therein. It will not alter land use patterns of the General Plan. The General Plan designation is Industrial and is implemented by the BC-2 (Business Center) Zoning Designation which allows for an educational facility with a Conditional Use Permit per section IV 1(G)(5) the Eastlake Business Center II PC District Regulations.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-14-036 as described above subject to the following conditions:

**I. Prior to issuance of approval of this Conditional Use Permit by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirements:**

PLANNING DIVISION

1. The Project Site shall be developed and maintained in accordance with the PCC-14-036 approved plans dated September 30, 2014, which include site plans and floor plans on file in the Planning Division, the conditions contained herein, and the Zoning Ordinance (Title 19).

2. The Property Owner or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

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Signature of Property Owner

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Date

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Signature of Authorized Representative

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Date

3. The Applicant shall apply for and obtain a sign permit for any required site/business identification signs from the Development Services Department in accordance with the Chula Vista Municipal Code Chapter 19.60.

**II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.**

1. Class hours and size shall be limited to the following:

Monday – Friday	Morning Sessions 6:00 a.m. – 10:00 a.m. Evening Sessions 4:00 p.m. - 8:00 p.m.
Saturday	Morning Sessions 7:00 a.m. – 10:00 a.m.
Sunday	Closed.

Each class size will be limited to a maximum of ten (10) patrons. Any expansion of class hours and size shall require approval of a modification to this Conditional Use Permit by the Zoning Administrator. Said request shall be accompanied by a parking analysis which indicates that additional patrons can be accommodated within the existing off-street parking lot on the premises.


2. The business shall be operated in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
3. This Conditional Use Permit authorizes only the use specified in the application for PCC-14-036 for the 2,400 sq. ft. area as shown on approved site plan and floor plan dated

September 30, 2014 and on file with the City Development Services Department. Any new use, modification or expansion of the use, or activities not authorized under this Conditional Use Permit, shall be subject to the review and approval of the Zoning Administrator.

4. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with the conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
5. Approval of this Conditional Use Permit shall be for a period of three years, with an expiration date of September 30, 2017. The applicant may request an extension of time from the Zoning Administrator. The Zoning Administrator shall review this conditional use permit for compliance with the conditions of approval, and shall determine, in consultation with the applicant, whether the project shall be modified from its original approval. If the event that Maxim Athletics vacates the premises prior to the three years granted for approval of this CUP, said CUP shall be considered void at that time.
6. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
7. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
8. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

9. Applicant must allow for sufficient time between the end of one class and the beginning of next class to allow prior class patrons to vacate the limited parking spaces, in order to ensure there will be sufficient on-site parking available at all time to accommodate patrons of the health and wellness classes, as well as employees of Maxim Athletics.
10. All classes shall be conducted within the 2,400 square foot area designated on the approved site plan and floor plans.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 30th day of September, 2014

  
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Ed Batchelder,  
Zoning Administrator

cc Scott Donaghe, Principal Planner  
Geoff Samuels/2990 Ranch View Ct.